

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Treasuries and Accounts Department - Departmental Proceedings against Sri M.Madi Reddy, Assistant Treasury Officer (Retired), District Treasury, Cuddapah under Rule 9 of A.P. Revised Pension Rules, 1980 – Imposition of a punishment of **withholding of 15% of his pension permanently** under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.I.VIG.) DEPARTMENT

G.O.Rt.No. 4876

Dated:19-12-2008

Read the following:

1. DTA Lr.No.K.II (5) 20570/2003,dt. 18-5-2004.
2. DTA Lr.No.K.II (5) 20570/2003,dt. 20-8-2004.
3. G.O.Ms.No. 38 Fin (Admn.I) Deptt, Dt.18. 2.2006.
4. G.O.Rt.No. 480 Fin (Admn.I) Deptt Dt .18-02-2006.
- 5.DTA Lr.No.K.II (5) 20570/03, dt19.4.06 along with the explanation of the charged officer Sri. M.Madi Reddy, ATO (Retd).
6. G.O. Rt. No.1957, Finance (Admn.I) Deptt, dt.16-5-2006.
7. DTALr.No.K.II (5) 20570/2003,dt19.4.2007 along with Enquiry report of Smt B.Vijaya Lakshmi Dy.Director, Mahaboobnagar along with the enclosures.
8. Govt.Memo12453/18/A1/Admn.I.Vig./2004 Dt 28.5-07.
9. DTA Lr.No.KII (5)/20570/03, dt.17-08-2007 along with explanation of Sri M.Madi Reddy, A T O (Retd).
- 10.Govt. Memo12453/18/A1/Admn.I.Vig./2004Dt26-2-08.
11. DTA Lr.No.KII (5) 20570/2003 dated 19-5-2008 along with the explanation of Sri M.Madi Reddy, ATO (Retd.),
12. Govt. Lr. 12453/18/A1/Admn.I.Vig./2004, addressed to the Secretary, APPSC dated 27-9-2008
13. Lr.No.1037/RT-I/I/2008, dated 13-11-2008 from the Secretary, APPSC.

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ORDER:

In the references 1st and 2nd read above, the DTA informed that the following Treasury employees are involved in the irregularities noticed in the case of compassionate appointment of Sri V.Vinod Kumar as Shroff, Sub-Treasury, Jammalamadugu.

1. Sri S.V.Ramana Rao, Dy. Director, District Treasury, Cuddapah who died in Service on 18-12-2003
2. Sri M.Madi Reddy., ATO, DT, Cuddapah who retired from service on 31-5- 2003.
3. Sri G.Narasimhulu, STO, DT, Cuddapah.
4. Sri B.N.Vijaya Kumar, SA, DT, Cuddapah

2. The DTA further informed that he has initiated disciplinary action against Sri G.Narasimhulu, STO, District Treasury, Cuddapah and the Deputy Director, District Treasury; Cuddapah has initiated Departmental proceedings in respect of Sri B.N.Vijaya Kumar, Senior Accountant, District Treasury, Cuddapah. In respect of Sri S.V.Ramana Rao, Deputy Director, further action was abated as per rule 9(7) (a) of A.P. Revised Pension Rules, 1980 since he expired. In respect of Sri M.Madi Reddy, ATO (Retd.), DT, Cuddapah, the DTA has forwarded the case to the Government for taking further action under Rule 9 of A.P. Revised Pension Rules, 1980 as he had retired from service on 31-5-2003.

3. The Director of Treasuries and Accounts has informed that Sri M.Madi Reddy, while working as Assistant Treasury Officer at District Treasury, Cuddapah had processed an irregular office note on 15-03-2003 pertaining to compassionate appointment of Sri V.Vinod Kumar, S/o. Late Sri V.Moses, Shroff at Sub-Treasury, Jammalamadugu, Cuddapah District though as on the date of death of the employee i.e. on 8-6-2002, the spouse of the deceased employee, Smt.D.Rajamma was employed as M.P.H.S. (F), P.H.C., Chapadu of Cuddapah District and subsequently retired voluntarily on 31-12-2002 and both husband and wife were employees and the case does not come under the purview of **“died while in harness”**. Thus, he violated the orders issued in G.O. Ms. No. 687, General Administration (Services-A) Department, dated 3.10.1977. He has also not followed the Rule of Reservation and Roster system as per the orders issued in G.O.Ms.No.519, G.A. (Ser.B) Department and Rule 22 of A.P. State and Subordinate Services Rules and A.P. General Subordinate Service Rules. Further, he did not verify whether there are other earning members in the family and not mentioned the specific direction of obtaining and furnishing of Security Bond to the post of Shroff, while appointing Sri V.Vinod, S/o Late V.Moses, Sr. Accountant, on compassionate grounds to the post of Shroff and thus he violated the A.P. General Subordinate Service Rules. Accordingly, Government initiated Departmental Proceedings against retired Charged Officer under Rule 9 of A.P. Revised Pension Rules vide references 3rd and 4th read above.

4. The following Articles of Charges were framed against Sri M.Madi Reddy, ATO (Retd), DT, Cuddapah:

Charge-I:

Sri M. Madi Reddy, while working as Assistant Treasury Officer at District Treasury, Cuddapah had processed an irregular office note on 15-03-2003 pertaining to compassionate appointment of Sri V.Vinod Kumar, S/o. Late Sri V.Moses, Shroff at Sub-Treasury, Jammalamadugu, Cuddapah District though as on the date of death of the employee i.e. on 8-6-2002, the spouse of the deceased employee, Smt.D.Rajamma was employed as M.P.H.S.(F), P.H.C., Chapadu of Cuddapah District and subsequently retired voluntarily on 31-12-2002 and both husband and wife were employees and the case does not come under the purview of “died while in harness”. Hence, the appointment is irregular since it violates the G.O. Ms. No. 687, GA (Services-A) Deptt., dated 3.10.1977, and thus he exhibited lack of integrity and devotion to duty and conduct unbecoming of Government servant and thereby by contravened Rule 3(1)(2) and (5) of A.P. Civil Services (Conduct) Rules, 1964.

Charge-II:

That Sri M.Madi Reddy, while working as Assistant Treasury Officer at District Treasury, Cuddapah had processed an irregular office note on 15-03-2003 pertaining to compassionate appointment of Sri V.Vinod Kumar, S/o. Late Sri V.Moses, Shroff at Sub-Treasury, Jammalamadugu, thus while doing so not followed the Rule of Reservation and Roster system as per Government orders issued in G.O.Ms.No.519, G.A. (Ser.B) Department and Rule 22 of State and Subordinate Services Rules and General Subordinate Service Rules and verified whether there are other earning members, in the family and thus he exhibited lack of integrity and devotion to duty and conduct unbecoming of Government servant and thereby by contravened Rule 3(1)(2) and (5) of A.P. Civil Services (Conduct) Rules, 1964.

Charge-III:

Sri M.Madi Reddy, while working as Assistant Treasury Officer at District Treasury, Cuddapah has not mentioned the specific direction of obtaining and furnishing of Security Bond to the post of Shroff, while appointing Sri V.Vinod, S/o Late V.Moses, Sr. Accountant, on compassionate grounds to the post of Shroff and thus he violated the A.P. General Subordinate Service Rules. and thus he exhibited lack of integrity and devotion to duty and conduct unbecoming of Government servant and thereby by contravened Rule 3(1)(2) and (5) of A. P. Civil Services (Conduct) Rules, 1964.

5.1 In the reference 5th read above, the DTA has furnished the statement of defence of the Charged Officer Sri M.Madi Reddy, ATO (Retd). Sri M.Madi Reddy ATO (Retd) in his defence statement stated that the orders of appointing Sri. V.Vinod Kumar as Shroff, Sub treasury Jammalamadugu under compassionate grounds were issued at the behest of then D.T.O. Sri S.V.Ramana Rao. The Charges framed against him are not justifiable as he was only middle level officer and the D.T.O was the final authority in respect of appointment up to the category of Junior Accountant. Regarding Charge-I, Sri M. Madi Reddy, A.T.O (Retd) has stated that Sri S.V.Ramana Rao, the then D.T.O, Cuddapah used to ignore him in many cases by obtaining the files direct from the senior Accountant and STO by passing him. After retirement he was summoned to the enquiry to Cuddapah by the Joint Director, O/o the DTA to depose before him on the complaint made by him. If that is the case, there is no reason to believe that he did not process the file in question as per rules. He further stated that he remembered that the section asked him to sign the note as instructed by the DTO that, every thing was all right and that there was a certificate from the M.R.O to the effect that there was no employee from the family of the deceased. He believed the version of the section and subscribed his initials in the note file and the DTO took the final decision in the matter. Had he knew that the wife of the deceased employee was also employee, as on the date of death, he should not have signed the note file. The section did not put up correct note presumably under the oral instructions of the DTO. Completely mislead by the section and it took his signature in the note before passing on the file to the DTO for orders. The ultimate responsibility rests on the DTO who could sign finally and order the appointment of the candidate under compassionate grounds.

5.2 Regarding 2nd article of charge, the Charged Officer Sri M. Madi Reddy, A.T.O (Retd) stated he was not aware of the G.O.Ms.No.519, General Administration (Ser-B) Department, dated 12.12.1996. The section did not put up the G.O. along with the file. It is also not known to him whether the District Treasury was maintaining the roster for shroffs or not. He also stated that Sri V.Vinod Kumar belongs to S.C. community and he could be accommodated against O.C. Point also. According to the clarification issued against point 17 contained in Govt. Memo No.29/G1/75-8 dated 19th August 1975, appointment under compassionate grounds need not be postponed till a vacancy arises under a particular community and the candidate can be appointed subject to the condition that the post filled in, can be adjusted against the next open competition vacancy. Hence, Sri M.Madi Reddy requested to drop this charge, as it is not sustainable.

5.3. Regarding 3rd article of charge, the Charged Officer, Sri M. Madi Reddy, A.T.O (Retd) has stated that, the section is expected to include the clause in the draft appointment orders. Moreover, the Sub-Treasury, Jammalamadugu was not the Non-Banking Sub treasury to handle the cash. Hence, he has requested the Government to drop the charge as it not sustainable.

6 Government after careful consideration of the statement of defence of the Charged Officer found that it was not satisfactory. Accordingly, Government appointed Smt B.Vijaya Lakshmi, Deputy Director, District Treasury, Mahabubnagar as common Inquiring officer and Sri M.A.Sattar, Deputy Director, District Treasury, kadapa as Presenting officer to inquire into the Charges framed against all Charged Officers in the case of irregular appointment of Sri V.Vinod Kumar as Shroff on compassionate grounds **vide reference 6th read above.**

7. The Inquiry Authority submitted her report vide reference 7th read above. The Inquiry Authority, in her report stated that after thorough verification of the records, replies furnished by the Charged officer in reply to the charge memo, deposition during the inquiry and keeping in view of the observations made by the Presenting Officer, the Inquiry officer found that the contentions of the charged Officer that he has been mislead by the Section, heavy responsibility lies with the Section, the ultimate responsibility rests on the Deputy Director and the ignorance of the fact that the wife of the deceased was an employee as on the date of death are **not tenable**. As he is responsible officer immediately assisting the Deputy Director care should have been taken to consider all aspects before forwarding the

file to the Deputy Director. Further the contention of the Charged Officer the appointee belonged to S.C Category there is no breach of rule. The Charged officer in his defence has failed to show proof that the candidate belongs to S. C. Category. A copy of Transfer Certificate of Sri V. Vinod Kumar does not mention that he belongs to SC Category. Further the contention of the Charged Officer that the appointment order were not routed through him, as such there was no occasion for him to insist on stipulating such conditions **are also not tenable**. Further, the contention of the Charged Officer that it has come to his notice that the individual has produced F.G. Bond at the later date. No evidence has been produced by the Charged Officer in support his argument. **Therefore, the Inquiry Authority held that all the three Charges framed against him are held proved.**

8. While furnishing a copy the report of Inquiry Authority, the Charged Officer was directed to submit his explanation on the findings of Inquiry Authority vide reference 8th read above. In the reference 9th read above, the DTA has furnished the explanation of the Charged Officer. Sri M.Madi Reddy, ATO (Retd.) submitted the following explanation on the findings of the Inquiry Authority.

Charge -1.

As well known to all official circles, an office note originates in the seat of the concerned clerk and passes on through different stages of supervisory heads and finally to the competent authority for orders. During these stages, different supervisory officers will record their remarks on the issue for the guidance of the final authority and the final authority is at liberty to take any decision as deemed fit by him in the matter. Though a defective office note might have been submitted to the authority, it is mandatory on the part of the authority to accept the note in to-to. The competent authorities have the liberty and discretion to take a different decision than that proposed in the office note. He further stated that the officer who took the final decision to appoint Sri V.Vinod Kumar as Shroff, alone has to bear the responsibility if such appointment is proved irregular and against the provisions of Rules, in as much as Articles 5 of A.P. Financial code Vol. 1 clearly stipulates in unequivocal terms that the fact that a Govt. servant has been misled or deceived by a subordinate, will in no way mitigated his personal responsibility. As such action could have been taken against Sri S.V.Ramana Rao, the then Deputy Director, Cuddapah who issued the appointment orders to Sri V.Vinod Kumar S/o. Late V.Moses, when he himself admitted in writing in his statement dated 27-11-2003 that the case was considered as on the date of application of the individual and not as on the date of the death of the Govt. employee Late V.Moses. At that time, neither the matter was brought to his notice nor was he charge sheeted and asked for explanation for processing irregular office note. It is quite obvious that the matter was kept pending during the entire life time of Sri S.V.Ramana Rao, Deputy Director, District Treasury, Cuddapah who issued the appointment orders, without taking any action against him and after his death, his name has been deliberately dragged after thought into the issue to heap on his head the entire responsibility for the appointment and make him a scapegoat to finalize the case, after four year of his retirement. The note file of Sri V. Vinod Kumar came to his table and he processed it only on the strength of the "no earning member" certificate issued by the MRO Cuddapah who was a responsible Govt. Gazetted Officer holding the post of executive Magistrate who is having magisterial powers. Moreover, as the individual seeking employment is made liable for termination from service besides any other under law as laid down in Govt. Memo.No618/Services-A/78-11 General Admn. (Ser.A) Department, dt. 17-12-1979 in case it is proved wrong, he subscribed his initial to the office note with confidence bonafidely. Accordingly, now Sri V.Vinod Kumar who was appointed by the then Deputy Director, District Treasury Kadapa on 17-3-2003 as Shroff, Sub Treasury, Jammalamadugu was dismissed from service. He had processed the office note out of ignorance of fact, which can be excused as per law. He further stated that if at all, he is found guilty; it is only up to the processing of the note file basing on the material available on record and not for the appointment of Sri V.Vinod Kumar, as the appointment orders were not passed through him.

Charge-II:

The Govt. have clarified in Govt. Memo.No.529/G1/75-8, Employment and Social Welfare Department, dt. 19-8-1975, that if the deceased Govt. servant's son, daughter or spouse proposed to be employed do not belong to SCs, STs etc, and the first vacancy is a reserved vacancy the appointment need not be postponed on humanitarian grounds. Therefore, as the candidate belonged to Scheduled caste there was no irregularity involved in the appointment of a deceased person's son even against other vacancies as per the roster. Hence he stated that there is no violation of any rule on his part in the matter. In her findings on this Article-II, the enquiry officer ruled out "the charged officer in his defence has failed to show proof that the candidate belongs to SC category. A copy of transfer certificate of Sri V.Vinod Kumar does not mention that he belongs to SC category" and hence held the charge proved. He has stated that a copy of the TC of the individual where against the column Nationality and Religion, it is mentioned Indian –Hindu –Adi Andhra here even a cursory look at Schedule I, Part –A of AP State and Subordinate Service rules 1996, will reveal that the caste " Adi Andhra" is the 1st name among the scheduled castes. But the Inquiry officer had no time and patience to go into details to ascertain whether "Adi Andhra" is a scheduled caste or not. The TC, which he is producing in proof of caste, is in fact obtained from the file itself. The charge is held proved only by the ignorance of the inquiry officer but not based on the real facts and he is not liable on this account.

Charge-III:

Regarding charge-III Sri M.Madi Reddy has stated that he has not mentioned specific direction of obtaining and furnishing of security bond to the post of shroff while appointing Sri V.Vinod Kumar as Shroff and violated the A.P. General Subordinate Service Rules. For this he stated that the appointment orders were not routed through him so as to see that such stipulation is made therein or not. He has seen only the office note as an ATO. Therefore he has no fault to incorporate the condition of appointment. He has not violated the A.P. General Subordinate Service Rules. As seen from the A.P. General Subordinate Service Rule issued in G.O.Ms.No.965 G.A. (Ser. B) Dept., dt. 21-10-1995 and as amended in G.O.Ms.No.162 G.A. (Ser.B) Department, dt. 15-5-2000, only an amount of Rs.200/- should be deposited as security by a person who is appointed to the post of Bill Collector under Rule 8 Security. No security is prescribed for shroff under that rule. Therefore, it is not proper to allege him that he had violated the A.P. General Subordinate Service Rules. Hence requested to drop the charges and further action in the matter.

9. Government, after careful examination of the Charges framed against the individual, findings of the Enquiry Officer and the representation of the Charged Officer on the findings of the Enquiry Officer, come to a provisional conclusion to impose a punishment of withholding of 15% of his pension permanently, under Rule 9 of A.P. Revised Pension Rules, 1980 for the charges, which have been conclusively proved in the inquiry. Accordingly a final show cause notice was issued to him **vide reference 10th read above** and directed him to explain as to why a punishment of withholding of 15% of his pension permanently should not be imposed on him under Rule 9 of A.P. Revised Pension Rules, 1980.

10. In the reference 11th read above, the Director of Treasuries and Accounts has furnished the explanation of the charged Officer. The Charged Officer, Sri M.Madi Reddy (Retd.) while reiterating his earlier contentions requested to reduce the punishment to the minimum possible extent and also stipulate a minimum time limit for the operation of the punishment, keeping in view of his deteriorating health condition because of acute diabetes and multiple fractured leg which rendered him unable to walk and confined him to bed most of the time.

11. Government, after careful examination of the matter with reference to the Charges framed against Sri M.Madi Reddy (Retd.) ATO, findings of Inquiry Officer and the explanation of the Charged Officer thereon and other relevant material on record found that the Charged Officer, **had processed an irregular office note pertaining to compassionate appointment of Sri V.Vinod Kumar, S/o. Late Sri V.Moses, Shroff at Sub-Treasury, Jammalamadugu, Cuddapah District though as on the date of death of the employee i.e. on 8-6-2002, the spouse of the deceased employee, Smt.D.Rajamma was employed as M.P.H.S.(F), P.H.C., Chapadu of Cuddapah District and subsequently retired voluntarily on 31-12-2002 and both the husband and wife were employees and the case does not come under the purview of “died while in harness”. Thus, he violated G.O. Ms. No. 687, GA (Services-A) Deptt., dated 3.10.1977. Evidently, he has not followed the Rule of Reservation and Roster system as per Government orders issued in G.O.Ms.No.519, G.A. (Ser.B) Department and Rule 22 of State and Subordinate Services Rules and General Subordinate Service Rules. Further, he did not verified whether there are other earning members in the family and not mentioned the specific direction of obtaining and furnishing of Security Bond to the post of Shroff, while processing the file of appointing Sri V.Vinod, S/o Late V.Moses, Sr. Accountant, on compassionate grounds to the post of Shroff and thus he violated the A.P. General Subordinate Service Rules. Hence, Government have come to a provisional conclusion that the said charges stands substantially proved and proposed to impose a punishment of withholding of 15% of pension permanently under Rule 9 of A.P. Revised Pension Rules, 1980 against the Charged Officer, Sri M.Madi Reddy, ATO (Retd.) and referred the matter to the Andhra Pradesh Public Service Commission, Hyderabad for their concurrence on the proposed punishment to be imposed on the Charged Officer vide reference 12th read above.**

12. In the reference 13th read above the Andhra Pradesh Public Service Commission, Hyderabad concurred with the proposal of the Government for imposition of a punishment of withholding of 15% of his pension permanently on Sri M. Madi Reddy, ATO, (Retd).

13. Government, accordingly, hereby order for imposition of a punishment of withholding **of 15% of pension permanently** on Sri M. Madi Reddy, ATO, (Retd) under Rule 9 of A.P. Revised Pension Rules, 1980.

14. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)**

To

The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, A.P., Hyderabad

District Treasury Officer, District Treasury, Cuddapah.

SF/SC

// FORWARDED BY ORDER//

SECTION OFFICER